

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

MICHAEL FITZGERALD
Petitioner

v.

DANIEL P. BURNS, et al.
Respondents

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CIVIL ACTION

No. 13-CV-03959

ORDER

AND NOW, this 12th day of May, 2014, upon careful and independent consideration of the petition for a writ of habeas corpus, the response to the petition and appended exhibits, and available state court records, and after review of the Report and Recommendation of United States Magistrate Judge David R. Strawbridge, it is **ORDERED** that:

1. The Report and Recommendation is **APPROVED** and **ADOPTED**;
2. The petition for a writ of habeas corpus is **DENIED**;
3. A certificate of appealability **SHALL NOT** issue, in that the Petitioner has not made a substantial showing of the denial of a constitutional right. *See* 28 U.S.C. § 2253(c)(2); *Slack v. McDaniel*, 529 U.S. 473, 484 (2000); and
4. The Clerk of the Court shall mark this case **CLOSED** for statistical purposes.

BY THE COURT:


HARVEY BARTLE, III, J.